

**SAFEGUARDING AND PROTECTING THE RIGHTS OF
CHILDREN ON THE MOVE:
THE CHALLENGE OF SOCIAL INCLUSION**



**BACKGROUND REPORT
REGIONAL MEETING OF CHILDREN'S OMBUDSPERSONS
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This report has been prepared in the context of the Regional meeting of the European Network of Ombudspersons for Children (ENOC) entitled “Safeguarding and protecting the rights of children on the move: The challenge of social inclusion”. The meeting took place on 13-14 November 2017 in Athens, and was organized by the Greek Ombudsman / Deputy Ombudsman for Children’s Rights in collaboration with ENOC, with the support of UNICEF’s Refugee and Migrant Response in Greece with funding from the European Commission, Rights, Equality and Citizenship Programme.

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INTRODUCTION

General overview of the situation of children on the move in Europe and calls for action

In recent years, there has been an enormous increase in the numbers of children on the move in Europe as part of a broader trend of people on the move. In 2015 alone, more than one million asylum seekers crossed into Europe, and an additional 500,000 persons arrived between January 2016 and June 2017. Children comprise a significant proportion of the **arriving population**. Within the first semester of 2017, approximately 17,000 children arrived in Greece, Italy, Spain and Bulgaria, comprising almost 16 per cent of total arrivals. Out of this total, approximately 72 per cent were unaccompanied and separated children. Specifically, from January to March 2017, 5,400 children are estimated to have arrived in the latter countries, while the next 3 months, the children arrivals doubled, amounting almost 11,100 children. From January to June, 2017 approximately 97,000 **asylum claims involving children** have been recorded in the EU, comprising almost one third of the total asylum applications. The majority of these children came from Syria, Afghanistan, Iraq, Eritrea. Within this period, approximately 174,000 decisions on children's asylum claims have been issued, out of which 65 per cent were positive and 35 per cent were rejected. The majority of child applicants are granted subsidiary protection and humanitarian status rather than refugee status.¹

The challenge of responding to high numbers of arrivals in Europe has resulted in **serious concerns for the reception and protection** of stranded populations and those on the move, especially persons belonging to vulnerable groups. Among them, **children are exposed to additional risks** at every stage of their journey and upon arrival, and are most likely to experience violence and exploitation, even death. **The fulfilment of the rights of these children and their protection should be a driving factor in the development, implementation and monitoring of the policies affecting them.** In light of this, the establishment of appropriate reception conditions, along with the swift and early integration of children and their families, is of prime importance.

In September 2015, based on its mandate and following its previous interventions, **the European Network of Ombudspersons for Children (ENOC) adopted a Statement** at its 19th General Assembly *calling upon European Governments and competent European and International authorities to take immediate actions to urgently address the situation of children on the move and to guarantee access to the rights they are entitled to.*² Furthermore, the General Assembly established a Task Force *to monitor, and report on the ongoing situation of children on the move in the different countries within the ENOC membership.*³ The Task Force released its **first report in January 2016**, which included key recommendations to the EU and its member states for ensuring that the issue of children on the move and the risks they face are put on the European agenda, and that specific actions targeting these children are taken to ensure their rights are respected.⁴

In April 2017 the **European Commission**, acknowledging that specific protection is required to address the risks faced by children in migration in line with relevant provisions of EU law, including the EU Charter of Fundamental Rights, and with international law on the rights of the child, set out a

¹ source: Eurostat, UNHCR, UNICEF, IOM published data

² Further information on the subject see:

-ENOC 2015Open Letter calling for action to stop repeated human tragedies in the Mediterranean

-ENOC 2013 position statement on Children on the move: Children first!

-ENOC 2013 statement on the need for an urgent help for Syrian children in refugee camps

³ See: "ENOC members stand for children on the move", <http://enoc.eu/?p=1254>

⁴ The full report is available on: <http://enoc.eu/wp-content/uploads/2016/01/ENOC-Task-Force-Children-on-the-Move-1st-report-25Jan2016.pdf>

series of actions which need to be taken and/or better implemented by the European Union and its Member States.⁵ Key calls for actions were included in the areas of: identifying and protecting children, reception, children's access to status determination procedures and procedural safeguards, durable solutions, data collection, exchange of good practices and monitoring and co-operation among Member States.⁶

Additionally, in 2016 the UN Committee on the Rights of the Child (CRC Committee) and the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW Committee) initiated the process of developing a **Joint general comment** on the human rights of all children in the context of international migration.⁷ In November 2017, two Joint general comments have been adopted and published, on the general principles and on State obligations respectively. It is underlined that the two documents complement each other and should be read and implemented together. *The human rights norms clarified therein are built on the provisions and principles of the Convention on the Rights of the Child, and the key principles of the Convention should be the guiding principles of any migration policy at local, national, regional and global levels.*⁸ In the light of their objectives, the Joint General Comments are unique: for the first time the obligations of States parties to the CRC and CMW are clarified by *providing authoritative guidance on legislative, policy and other appropriate measures that must be taken to ensure full compliance with their obligations under the two Conventions to fully protect the rights of migrant children and other children affected by migration.*⁹

Children on the Move: the need and challenge of social inclusion

The term **"Children on the Move"** covers a broad range of children who migrate from their country of origin to and within the territory of the EU in search of survival, security, improved standards of living, education, economic opportunities, protection from exploitation and abuse, family reunification or a combination of these factors. They may travel with their family or independently or with non-family members. They may be seeking asylum, victims of trafficking, or undocumented migrants. **The status of children on the move may differ at various stages of their journey and they may encounter many different situations of vulnerability.**¹⁰

The above umbrella term covers a wide range of concepts, situations and **statuses, under each of which children should be fully and appropriately entitled to the recognized protection, as it is provided in the context of the respective international norms and Conventions.** The rights of children on the move, including the rights of asylum seeking and refugee children, as they are recognized in the

⁵ See: http://europa.eu/rapid/press-release_IP-17-906_en.htm

⁶ See: <file:///C:/Users/user/Downloads/factsheet-actions-protection-children-migration.pdf>

⁷ See also: UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, available at:

<http://www.refworld.org/docid/42dd174b4.html>, and Committee on the Rights of the Child, Report of the 2012 Day of General Discussion "The Rights of All Children in the Context of International Migration", available at

http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/2012CRC_DGD-Childrens_Rights_InternationalMigration.pdf

⁸ Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration

See also <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22408&LangID=E>

⁹ See: http://tbinternet.ohchr.org/Treaties/CMW/Shared%20Documents/1_Global/INT_CMW_INF_8219_E.pdf

¹⁰ See: http://ec.europa.eu/justice/fundamental-rights/files/background_cps_children_on_the_move_en.pdf

International Convention on the Rights of the Child, the 1951 Refugee Convention and its 1967 Protocol, and all the relevant Conventions and Protocols, highlight the state **accountability** for children's protection and respect. Both the enshrined **principles** and the respective state **obligations** should be considered as inextricably linked towards the effective safeguarding of children's rights and well-being.

The continuous arrivals set priority challenges for minimizing the risks faced by children along migration routes, as well as for safeguarding appropriate reception conditions for them. Alongside, considering the on going war conflicts and the remaining elusive conditions in their homelands, it is required to focus on their long term stay in host countries and to insist on appropriate and effective social inclusion measures. ***All children have a right to an acceptable standard of living, access to social services and to a life free from discrimination. Social exclusion stands in the way of children's well-being the world over.*** Currently, many states throughout Europe are confronted with inclusion challenges, whereas it is **necessary to invest promptly in policies for addressing the needs of children in the long term and for ensuring their sustainable integration.**¹¹ In this perspective, coherent policies should be complemented by support to co-operation, co-ordination and exchange of information and good practice among stakeholders, at national and EU level.

Promoting social inclusion of children presupposes addressing a range of multi-faceted issues, related to preventing discrimination and violation of rights, increasing access to services, facing linguistic and cultural barriers. Social inclusion and integration is a **dynamic, two-way process requiring the participation of both newcomers and the host society. In reality, integration takes place at the local level as part of daily life and everyone has a part to play,** engaging the receiving society, social partners and civil society as well. The relevant policies need to incorporate, among other things, a **child protection perspective and specific attention to the situation of migrant youth and children.** In this process, children's successful integration needs to be reflected in a range of policies including safeguarding their legal status and their access to basic rights, such as housing, education and training, social protection and healthcare, mental health support.¹² **The importance of schools and education institutions should be particularly stressed;** as education is critical to preparing children to be *more successful and more active participants in society.* Furthermore, the development and implementation of durable solutions should be based on a best interests' determination directed to identify and apply the most adequate *short term and comprehensive solutions. Such procedures should be guided by child protection authorities and should ensure due process guarantees, including the right of the child to be heard.*¹³

¹¹Social inclusion for children, The case for support, Unicef available at:

<https://www.unicef.org/publicpartnerships/files/SocialInclusionTheCaseForSupport.pdf>

¹²See Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union, COM/2005/0389 final

See also UNCHR Note on the Integration of Refugees in the European Union

¹³ See <http://www.ohchr.org/EN/HRBodies/CMW/Pages/JointGeneralCommentonChildren.aspx>

PURPOSE AND METHODOLOGY

The current report has been prepared **in the context of the regional meeting entitled “Safeguarding and protecting the rights of children on the move: The challenge of social inclusion”**, which was organized in Athens on 13-14 November 2017 by the Greek Ombudsman in collaboration with the European Network of Ombudspersons for Children (ENOC), with the support of UNICEF and the European Commission’s Rights, Equality and Citizenship Programme.

The **main purpose of the meeting was to discuss and elaborate recommendations aiming at the protection and social inclusion of children on the move**, focusing in particular on:

- the safeguarding of their rights (including, access to education, health, housing, welfare),
- additional protection safeguards for unaccompanied and separated children,
- the role of the Independent Children’s Rights Institutions in the strengthening of the mechanisms for promoting and protecting children’s rights and social inclusion (including complaint and monitoring, cooperation and coordination mechanisms).

In advance of the meeting, the Greek Deputy Ombudsman for Children Rights invited ENOC members to complete a **questionnaire**, with the aim to critically inform the discussions of the meeting in line with the abovementioned purpose. The questionnaire was structured around the themes outlined above, and was comprised of two sections:

- Section A covered issues related to the current situation of children on the move, including national level actions taken towards the protection of children upon arrival and reception, and efforts to guarantee their rights in the context of early reception and longer term integration and social inclusion.
- Section B covered issues related to national level monitoring, complaints and coordination mechanisms, as well as to transnational cooperation for the protection of children on the move.

From September to November 2017 **19 ENOC members from 17 countries** provided their written responses and contribution, as listed below:

1. Belgium/Flemish (Kinderrechtencommissariaat/Flemish Children's Rights Commissioner's Office)
2. Belgium/French speaking Community (Délégué général de la Communauté française aux droits de l'enfant / Children's Rights Ombudsperson of the French-speaking Community of Belgium)
3. Bosnia and Herzegovina (The Institution of Human Rights Ombudsman of Bosnia and Herzegovina)
4. Cyprus (The Commissioner for Children's Rights Office)
5. France (Défenseur des droits /Defender of Rights)
6. Greece (Deputy Ombudsman for Children Right)
7. Hungary (Office of the Commissioner for Fundamental Rights)
8. Ireland (Ombudsman for Children)
9. Italy (Italian Independent Authority for children and adolescents)
- 10.Latvia (The Ombudsman of the Republic of Latvia)
- 11.Lithuania (Children's Rights Ombudsman Institution of the Republic of Lithuania)
- 12.The Netherlands (Ombudsman for Children)
- 13.Norway (Ombudsman for Children in Norway)
- 14.Poland Netherlands (Ombudsman for Children)

- 15.Scotland/UK (Children and Young People's Commissioner Scotland)
- 16.Serbia (Protector of Citizens – Ombudsman)
- 17.Spain/Catalonia (Catalan Ombudsman/Sindic de Greuges de Catalunya)
- 18.Spain/Basque Country (Ararteko, Ombudsperson of Basque Country)
- 19.Sweden (Barnombudsmannen)

The **data collection and analysis** has been elaborated by the Greek Deputy Ombudsman for Children Rights Office. On the basis of the findings and conclusions, a draft set of recommendations on safeguarding of the rights of children on the move and the promotion of their social inclusion has been drafted and shared at the ENOC Regional Meeting. The final **Recommendations** have been collectively discussed, prepared and endorsed by the participants at the meeting

1. PROTECTION OF CHILDREN UPON ARRIVAL AND EARLY RECEPTION STAGE

1.1. The first (early) reception scheme: existing infrastructures, services and procedures

As reflected in most responses, the core issues concerning the first reception scheme are related to the implemented identification procedures and to the living conditions in the reception facilities.

Few respondents reported positively about the living conditions in reception centres (the Netherlands). Out of them, some also noted that, families with children, upon arrival and in prompt time, are referred to social services and they are provided with material support as well (Catalonia, Basque Country, Cyprus). Results from other respondents however (Greece, Sweden, France, Lithuania, Belgium, Cyprus), highlighted that the first reception system is organized in collective, usually overcrowded, centers which are often established in remote areas, and where the newly arrived are often isolated in confinement. The provision of basic services and material support, both for adults and minors, is limited. The sanitary conditions in some reception centres are extremely poor, while in others, safety risks are present for children, including risks of exploitation and abuse.

Time frames varied, i.e. children may have to stay up to three months (as in Sweden), or up to more than one year (as in Greece), in accommodation facilities intended for temporary stay, or in other cases, as is happening in France and Greece, they may often find themselves homeless, without proper reception arrangements, and exposed to additional safety risks. The prolonged stay of families with young children and of unaccompanied minors in these reception conditions has a negative impact on their physical and mental health. Moreover, occasional rises in arrivals may put extra pressure on the reception facilities, and they may result in serious deterioration of the existing conditions (as in Cyprus). For those countries not on the regular migration routes (as in BiH), there are concerns that they will be utterly unprepared to respond in the event of an increased influx of population.

Many respondents pointed out to gaps and deficiencies in the identification procedures. Specifically:

- Local border authorities working in transit zones, airports and ports, may have limited awareness or experience in carrying out identification procedures for cases of children on the move, as these sites have not traditionally been arrival points for irregular population movements. This may have a negative impact on identification and protection, especially for unaccompanied children (Scotland).

- Gaps in interpretation services during the reception procedures are often identified (BiH, Greece).
- Delays in the identification and assessment of children's needs, along with the lack of proper and timely identification of vulnerable children are noted. This may result in the prolonged stay of children, both accompanied and unaccompanied, in reception centres (Greece, France)
- Challenges in identification of parental and family links between children and those who accompany them upon arrival are frequently encountered. For example, in France, the implementation of these procedures may often lead to the temporary separation of accompanied children from their families, during the identification stage, which may be traumatic for younger children. In other cases, unaccompanied minors may be misidentified (the Netherlands, Greece). It is indicative that, in some cases, identified in France, unaccompanied children, were mistakenly identified as having family links with strangers, and were expelled in the Department of Mayotte along with these adults as if they were their dependents.
- Challenges are also met concerning the verification of the authenticity and validity of the identity documents that the newly arrived are likely to hold and submit to reception and asylum authorities. Often, the reception authorities refuse to recognize the documents' validity, without any prior examination; this may cause serious delays or even misidentification of children, especially the unaccompanied (as in cases reported in Catalonia, Greece). *(in addition, see details below with regard to the age assessment of unaccompanied minors)*

1.2. Identification and protection of unaccompanied minors in reception stage

Some respondents reported positively about systems in place for the identification and registration of unaccompanied children. Specifically, in these cases, unaccompanied children are prioritized (as in Norway, The Netherlands, Basque Country, Cyprus), are immediately referred to protection services (as in Cyprus), and a legal guardian is promptly appointed (as in Basque Country, where the public protection entities undertake the temporary custody of the unaccompanied minors upon arrival). In other cases, targeted and consolidated legislative efforts have been recently initiated (as in Italy). These efforts are directed to the establishment of a consistent system for unaccompanied children that would allow for the holistic and continuous protection from the arrival stage up to the transition to adulthood and independent living.

On the other hand, however, many respondents mentioned several issues of concern with regard to the identification of unaccompanied children, i.e.:

- Border or reception authorities may often fail to identify children upon arrival, and thus they are not referred to child protection services (Belgium, Greece, France, Scotland)
- Children who do not wish to apply for asylum are not provided with (or not entitled to) social services and support (as noted about cases identified in Belgium, Cyprus)
- Children may be denied access to protection on unjustified grounds (as often is happening in France)
- Children are likely to be treated as juvenile offenders, rather than as children in need of protection, due to their illegal border crossing (as is often the case in Hungary), or due to the fact that competent authorities fail to stop their prosecution, even if they are victims of trafficking who are forced into crime (as noted about cases in Hungary, Greece, France).

- Children are subject to age determination procedures without prior appointment of a legal representative or guardian (Catalonia, France), or referred to the prosecutors' authorities rather than to the welfare protection system (Catalonia).

Several concerns relating to guardianship schemes were also reported, including:

- absence of special and appropriate provisions for cases of unaccompanied children, along with gaps in the broader national guardianship system (Greece, Latvia,) or legal restrictions and limitations that do not allow for the appointment of legal guardians (Poland)
- serious time delays, sometimes for several months, in the appointment of a guardian after the arrival and identification of the minor (Sweden)
- high number of cases assigned to one guardian, lack of an adequate supervision system for guardians, lack of complaints mechanism regarding guardianship to which children could refer (Sweden).

At this point, it is important to refer to the case of Italy, where a new law on the protection of unaccompanied children has been adopted and entered into force in May 2017. The law provides, among other things, for the active role of the Italian Independent Authority for children and adolescents and of regional Ombudspersons in the guardianship scheme. Lists of volunteer guardians, who should be appropriately selected and trained, are to be established in each Juvenile Court. Selection and training procedures have to be carried out by the abovementioned Authority or Ombudspersons of the Regions. The first training course took place in October 2017.

As reflected in many responses (Belgium, Scotland, Greece, Cyprus, Catalonia, France), age assessment presents serious gaps and it is emphasized as a major challenge. Specifically:

- Medical exams seem to be used as the main tool, despite the fact that their accuracy and reliability are questionable.
- Age assessment procedure (including medical exams) may still be conducted, even in the event of the availability of other evidence, such as identity or travel documents. It is noteworthy, that in this case, if the person is assessed as an adult, s/he is automatically excluded from child protection system; at the same time s/he is deprived of services for adults as well, since, according to documents, is still assessed as a minor (as reported about cases in Catalonia).
- Means of appeal against age assessment decisions may be absent (as in Cyprus).
- Often minors may be subject to detention during the age assessment procedure (as in Latvia, Greece, France, in Belgium minors are subject to detention only in very exceptional cases for a limited time up to 6 days)

As underlined by some respondents, the age assessment procedure should include, inter alia, the engagement of multidisciplinary expert teams, the implementation of multidisciplinary and less intrusive methods, the regular monitoring of the involved experts and agencies. For example, as suggested about the situation in Basque Country, some key aspects of the respective recommendations agreed in 2010 by the Heads of the Institutes of Legal Medicine in Spain, could be considered towards the improvement of the age assessment procedure. In Italy, the newly enacted law on the protection of unaccompanied children provides for a coherent interviewing process, and the age examination procedures should be proceeded on the basis of a holistic approach and only when well – founded doubts about age persist. It is important to note also that, positive legislative approaches are in place in other countries as well, providing for the respect of the “best interests” and the “benefit of doubt” principle. According to them, in the event of remaining uncertainty, if

there is a possibility that the individual is a child, s/he should be treated as such. In practice though, these provisions are not effectively implemented, as is often the case in Greece. In the case of Scotland, the presumption of age was introduced to anti-trafficking legislation; this means that anyone thought to be a child should be treated as one unless or until an age assessment has determined s/he is not.

1.3. Access to international protection

According to the responses, it seems that in countries with low number of arrivals, access to asylum procedure is immediate and timely, since, the number of asylum applications puts no pressures on the capacity of the asylum system (as noted, for example, about the situation in Lithuania). However, most respondents point out to difficulties and serious delays in the registration and submission of the asylum applications, mainly due to the saturation of the asylum system (Greece, Sweden, France, Spain). These delays may last for several months, or even up to years (as in Greece, in Sweden where in some past cases the delays in starting the asylum examination have been up to 1,5 years and the final decision may take up to 2 years). Furthermore, at transit zones and at border areas the respect of non - refoulement principle, the protection of children and families against forced return and the effective access to asylum are seriously hindered (as in Hungary, Poland).

All the above may usually result in the detention of the potential applicants, including children too. It is noted that, the potential applicants until the registration and submission of their asylum claim may be under the risk of arrest, since they are typically considered as being undocumented migrants (as in Greece, France). Pending the submission of the asylum claim, the proper access to basic rights and services is seriously hindered prohibited , often leading to the exclusion from proper accommodation and health services (as in France). These conditions a particularly negative impact on children, mainly on the unaccompanied, who usually suffer from psychosocial distress or other mental problems (as in Greece, France). Moreover, the lengthy time to complete asylum procedures, and the subsequent delays in family reunification, may worsen the situation of children even further (as noted about cases in Greece, BiH, The Netherlands).

Respondents also point out to gaps and deficiencies in legal information, counseling and support during the asylum procedure (*in addition, see sub-chapter below about the legal aid*).

Regularly, children's asylum applications are consolidated with that of their parents'. Yet, in some cases, children claims – even not be controversial to or too different from their parents' claims – may need to be assessed at an individual base, so as to address their specific needs in line with their best interests. However, due to the prevailing practices and to legislative constraints, there is too little (or no) room for overcoming the dependency nature of children status (as is the case in Sweden, Greece, Belgium).

Furthermore, the way that asylum claims of unaccompanied children are assessed may be problematic (Greece, Sweden). According to the prevailing practice, unaccompanied children are often granted with humanitarian status, justified by the fact that they are in need of special protection as minors. Subsequently, the specific grounds on which their asylum claims are based are usually ignored by the asylum authorities, and their applications are not properly assessed, depriving them of the right to be recognized as refugees; even if there are valid grounds for being entitled to refugee status. Upon reaching the age of majority, their humanitarian status may not be renewed; consequently, many unaccompanied children are likely to become undocumented.

It is noted that substantive and procedural safeguards at guidance/legal level have been promoted, that could be considered as positive steps and promising efforts; even if more still needs to be done towards their full and effective implementation in practice. Indicatively:

- In Ireland, the child guidance Note on appeals from child applicants (Refugee Appeals Tribunal, Office of the Chairperson, Guidance Note No: 2015/1) is reported as an important development in the hearing of child refugee/ subsidiary protection claims on appeal. It applies to all children, accompanied and unaccompanied, and is informed by key international legal obligations. The best interests of the child as a primary consideration, the awareness of child-centric forms of persecution and 'treat[ing] Children as Children first and foremost and asylum applicants second', are the key guiding principles within this guidance note.
- In Belgium, an independent procedure for unaccompanied minors has been established ("Procédure MENA").
- In Italy, a new law on protection measures for unaccompanied children has been adopted and entered into force in 2017 (Law No 47/2017), aiming to address the challenges arising from the increased number of arrivals of unaccompanied children, and to fulfill other gaps in the child protection and reception system.

1.4. Deprivation of liberty in the context of the first reception scheme (and in later stages)

As reflected in most responses, there is a reciprocal relationship between the implementation of deprivation of liberty/detention practices and:

- the gaps in the identification procedure upon arrival and early reception stage
- the gaps relating to access to the asylum procedure
- the limited capacity and the quality of services and infrastructures within first and second line reception arrangements.

This is a crucial point in considering how to review the current policies and practices, and how to effectively address the needs of migrant population in Europe, without violating the fundamental rights to liberty, security and freedom to movement.

Specifically:

As already mentioned, in many countries (as in Greece, France, Catalonia, Latvia, Italy) the reception systems include infrastructures in which the newly arrived are placed under restriction of liberty with the aim to be subject to identification procedures. This stage shall not exceed the time needed for concluding the latter procedures. In practice though, due to serious identification delays, children and families are left in reception centers (or "waiting areas") for prolonged periods, often imposed to further restrictive of freedom measures and without proper access to basic rights. Though, even after the identification stage is finished, they cannot be immediately transferred to appropriate accommodation facilities, since there are not available places or appropriate infrastructures, because of the limited capacity and limited development of the second line reception arrangements (as is mainly the case in Greece, France, Belgium).

It is reminded that, many unaccompanied children are likely to be subject to deprivation of their liberty during the identification procedures. Indicatively, in Greece, unaccompanied children are stranded in Reception and Identification Centers in border areas for several months; while those who are located in the mainland, often are likely to be placed in detention facilities, such as police cells, where they are restricted, under either "protective custody" or "administrative" detention, in appalling conditions and for an indefinitely prolonged period. It should be underlined though that, in other cases (as in Belgium) children shall not be detained, unless it is necessary in exceptional

circumstances for the purpose of age assessment and for a strictly limited time up to few days, or in other countries detention is not applied (*see below*)

It is also reminded that, potential asylum seekers, including minors too, may often remain under irregular status for an extended period, due to delayed access to the asylum system; as a result they are under the risk of being arrested as undocumented migrants (as in Latvia, Greece, Belgium, France). Furthermore, those who are subject to return procedures, mainly due to rejected asylum application, are likely to be restricted in specific detention facilities, often under austere conditions.(as in Greece, The Netherlands, Poland where it is possible to detain unaccompanied children over the age of 15).

It is noted that if parents or prime care givers are detained, children are placed in detention along with them. This is a common practice in many countries (as in Latvia, Lithuania, Greece, France, Poland).

As reflected in some responses, a new trend has been identified, mainly since last year; i.e. the deprivation of liberty/detention has been expanded in cases where it was not applied before. This trend particularly includes:

- Proposals for new legislative measures, allowing for the detention of unaccompanied minors in exceptional circumstances, in order to be subject to registration and identification procedures; such is the case in Norway, where up to date detention of minors for registration and identification purposes is legally prohibited.
- The intensification of detention practices concerning families, including families with under age children, who are under return procedures (as in France). It is also noted that within the last year, new detention facilities have been established for families that are under return (as in Greece, The Netherlands, Belgium), where detainees may stay for prolonged periods, up to several months.

It should be underlined that in some countries, detention is not applied (as in Serbia, BiH, Basque Country, Cyprus, Ireland), or it is limited to few days time in the cases of unaccompanied minors, until their transfer to proper reception facilities (as in Belgium), or it may be applied up to 3-6 days in regular cases, and up to 6 weeks in the context of the Duplin Regulation implementation (as in Sweden). In other countries (as in The Netherlands), families and unaccompanied children, who claim their wish to apply for asylum upon their arrival, are placed in border detention only in exceptional circumstances.

According to law, in all the aforementioned cases, the best interests of the child shall be taken into consideration, and whenever detention is applied, it should last for the shortest period possible and not for any longer than necessary. It is noted however, that, the duration of this specific period is not always legally set, and detention can become indefinite.

2. PROTECTION OF CHILDREN IN LATER RECEPTION STAGES: CHILDREN'S ACCESS TO RIGHTS AND SERVICES TOWARDS SOCIAL INCLUSION

2.1. The safeguarding of children's legal status as prerequisite for effective access to rights and social inclusion

The safeguarding of legal status for refugees and other asylum recipients is inextricably linked to the effective access to asylum system (*in addition see above chapter*). Asylum seekers are under pending status and have to renew their residence permits until a final decision is issued; those who have their applications rejected and those who are not included in asylum procedures have limited (or no) access to a regular residence permit.

Respondents pointed out to several issues of concern about the sustainability of children's legal status, mainly related to the following facts:

- The limited (short) duration of residence permits (either granted under refugee or under migrant law). This imposes children and families to an often recurring renewal process, which creates uncertainty in their lives and prevents them from developing durable bonds in the host country (as in Greece)
- The strict requirements for the issuance and the renewal of residence permits on humanitarian grounds, especially for those who had their asylum claims rejected. (as in Cyprus, Greece)
- The fact that it is very difficult for victims of human trafficking, including parents with under age children, to receive a permit on this ground. It is noted that many of them may not be qualified for asylum and they run the risk of becoming undocumented and be returned (as in Greece, The Netherlands).
- The prolonged procedures of family reunification, up to a year or even more. The long-term separation of family members and the extensive awaiting periods, during which they are under a pending and uncertain legal status, prevent them from resuming a normal life and get in the way of essential steps towards social integration. The situation is worse for the unaccompanied children, often including a negative impact on their mental health (as reported about cases in BiH, Greece).

It should be noted that, in some countries there are specific provisions allowing for the issuance of (special) residence permit, mainly on humanitarian grounds:

- for those who have been staying in the host country for a considerable period, even if they had their asylum claims rejected (as in The Netherlands, Spain)
- for children who have been subject to return/deportation procedures, but it was finally held that the implementation of the return decision would harm them and would seriously violate their rights (as in Poland)
- for those who had their final asylum decision pending for many years (as in Greece; note that the scope of the respective provision was limited and only covered specific cases)
- for those who have their asylum claims rejected (as in Greece where, decision-making asylum authorities may refer, at their discretion, the rejected case to the competent migrants' department: the latter examines the possibility of granting humanitarian status to the applicant. However, this provision is rarely applied in practice).

As a general rule the child's entitlement to a legal stay is pinned on its parents' status. Therefore, the child's residence permit is subordinate to parents' permit, with the result that the latter's possible withdrawal entails the withdrawal of the former. This can become an extremely problematic and complex issue and could ultimately lead in violation of child's rights. Indicatively, in Belgium there is no time limitation to that dependency; parents' status may affect children for an indefinite period, which extends for many years, even after reaching adulthood. Despite a recent legislative initiative to address this situation, the problem still remains.

Respondents (Norway, Greece, Belgium, France) mentioned specific concerns about the safeguarding of unaccompanied minors legal status in host countries. Apart from the issues concerning the duration and the renewal of residence permits (as mentioned above), unaccompanied children may be confronted with additional problems, including the limited options for the issuance of a residence permit after a rejection of their asylum claim. Furthermore, many children, upon reaching adulthood, may have to address increasing challenges, especially in the case that they had not submitted their asylum application during childhood. And besides that, those who are holders of residence status on humanitarian grounds, may no longer be granted extensions to their permits.

Almost all the received answers reflect the reciprocal relation between the legal status and the access to basic rights and services. Firstly, it appears that this relation primarily affects the realization of housing rights. The legality, the type and the duration of stay seems to be inextricably linked with the access to specific reception and accommodation facilities and to housing benefits as well. It is also noted that in practice, many facilities (including goods and material support, social, health, legal, and education support) are often provided within, or through, various Services that are established in the reception and accommodation scheme. Subsequently, hindering access to this scheme may have an immensely negative impact on families and children's lives and prevents them from effectively exercise their rights. *(In addition see chapters below with regard to access to rights)*

2.2. Access to rights

Reception arrangements – accommodation and housing

Children within the accommodation facilities of the reception schemes:

(With regard to first line reception arrangements/first reception centres, in addition see chapter 1.1.)

Many respondents (Belgium, Greece, Catalonia, France, Norway, Cyprus) reported serious issues of concern about the situation in reception and accommodation scheme:

- In general, it appears that the living conditions in most centres fall below the minimum decent living standards. Often, the accommodation facilities for asylum seekers are collective centers, with limited space and capacity and with poor hygiene conditions.
- Many of these facilities are located in isolated and/or remote areas, not enabling the inclusion in the local society and hampering access to basic rights, such as access to school and to national health system.
- Safety risks have been also reported, along with the feeling of insecurity expressed by children.
- Most of the accommodation facilities lack in adequate services for children who are in need of psychological, mental, or other kind of special support.

- The available services within these facilities are often limited and understaffed. Moreover, there is not a coherent referral system that would allow for the effective connection of these services with local and central social welfare system. Hence, there is a significant need, not only to strengthen them with material and human resources, but also to establish cooperation networks among the competent, public and private, actors that are involved in the field.

Apart from the abovementioned issues, some promising accommodation practices are identified:

- Some respondents reported about improved small scale facilities that have been established in line with descent living standards; unfortunately though, their capacity doesn't correspond to the current demands (as in France, Greece, Basque Country). Yet, only those who belong in vulnerable groups or those who are most likely to be granted with international protection are placed there. It is noted that, families, even with young children, are not explicitly included in vulnerable groups (such as is the case in Belgium, Greece).
- In Greece, a wide accommodation scheme under the support of UNHCR has been developed, mainly including apartments and hotels, where asylum seekers under relocation, families with young children, and others belonging in vulnerable groups are accommodated. The main concern thought, is that the continuation and the sustainability of the project after the funding period is not adequately safeguarded; the State, in cooperation with the international organization, could take advantage of the valuable know-how that that has been developed in this scheme, and apply measures for those who are going to stay in the country, through durable housing solutions.
- A more coherent approach for addressing the reception and accommodation needs of refugees is identified in Scotland in the context of Syrian Resettlement programme. The use of temporary accommodation was largely avoided, enabling refugees' families to settle into suitable long-term accommodation as soon as they arrived. These families have been entitled with permanent status and are settled in communities across Scotland. A total of almost 2000 refugees have been resettled to date.

Children excluded from the available facilities:

As already mentioned (*see chapter 1*), in many cases, pending the identification procedures, the access to second line reception and accommodation arrangements is seriously restricted. Due to gaps and delays in these procedures, children and families are likely to remain in limbo for a prolonged period, during which they experience precarious conditions, or even become homeless, without any access to basic social support services. It is also reminded that, those who do not wish to apply for asylum or had their applications finally rejected, are not typically included as beneficiaries in the existing facilities.

As a result of the above situation, many children, companied and unaccompanied, are located in places of great deprivation, in slums, squats and makeshift camps, with no sanitary and hygiene system, and with food insecurity; or they may be roofless in the streets, suffering even sleep deprivation and being exposed to various risks, including health and safety, exploitation and abuse, even life, risks (as in France and Greece).

It is also underlined (as is the case in Greece) that, those granted with international protection status, upon their recognition they are excluded from the services and benefits that are provided for asylum seekers. By law, the beneficiaries of international protection are entitled to social and housing support, as any other local citizen, in the context of the national welfare system. However,

due to several deficiencies in this system, in practice they remain helpless, and many of them are even at risk of becoming roofless.

Special issues concerning the unaccompanied minors:

An imbalance between the services provided for families and those provided for unaccompanied children is reported (Greece, Sweden), mainly due to the subjection to additional identification procedures for the unaccompanied. It is reminded that (*see chapter 1*), the access to shelters and respective services may be “suspended” until the identification and evaluation of their situation is determined. In some cases (as in Greece, and as it has been observed in Sweden in the fall of 2015), the newly arrived unaccompanied children are being denied access to basic rights and services, even in emergency situations; they are subject to harsh living conditions, without access to health care, essential items, such as clothes and shoes, and without access to legal representation or guardianship.

Furthermore, some respondents point out (about the situation in Belgium, France, Greece) that the malfunctions of the identification procedure in early arrival stage, in combination with the limited capacity of the existing infrastructures, may delay for a considerable time children’s transfer to appropriate shelters and accommodation facilities. Additionally, the legal status, i.e. the type and the duration of their residence permit, may seriously affect their access to small scale (more housing like) facilities.

The existing accommodation facilities for unaccompanied children include shelters, hotels, apartments and other state institutions. Addressing the increased needs, especially in the first arrival countries (as in Italy, Greece), through a structured reception and accommodation system is complicated and challenging in practice; both due to the constant arrivals of unaccompanied minors, and to the involvement of various actors in different agencies and regions. Some respondents additionally point to the limited capacity along with the under-staffing and poor quality of the available services (as in Greece, Scotland, Cyprus). In other countries (such in BiH, Latvia, Basque Country), unaccompanied children are mainly placed in the existing infrastructures of the child welfare system; however, in cases of increased influx of children, it is not easy to monitor whether the placements are appropriately conducted (as in Basque Country). Finally, it is commonly noted that, the facilities for girls are even less developed, resulting in some cases (as has been done in Sweden) to the placement of girls in the same facilities with boys.

Some respondents (Greece, Catalonia), indicate a serious lack of expertise and special services for the care of minors who suffer from psychological and other mental problems, and for minor addicts as well. It appears that the function of the existing shelters’ system is seriously affected by the lack of appropriate and adequate services to which children could be referred to, such as intensive residential care, therapeutic centers, assisted nursing homes. Furthermore, , unaccompanied children may run-away from the facilities in which they had been placed, because of inappropriate living conditions, and mostly for fear of being subject to return procedures upon reaching adulthood (as in The Netherlands, Latvia), or because they may feel insecure and discouraged by the long term asylum or family reunification procedures (Greece).

The placement of children in foster care families appears to be the most beneficial option for them, especially those of younger age. For example,

- In the Netherlands children are placed in families of the same cultural background
- In Ireland children, after the completion of first reception stage and the submission of asylum claim, are brought directly to either a residential centre or placed with a foster care family by the

child protection and welfare agency. Alongside, they are assigned a social worker, they are in the care of the state and subject to the same entitlements as other children in care.

Unfortunately, the foster schemes, despite their effectiveness, are usually of limited capacity (as in Latvia), or not developed (as in Greece); while in general, they are not targeted to older children, over 15 years old, who constitute the major group of unaccompanied minors.

Health

Requirements for access to public health system

As a general observation, children's access to national health systems, regardless status, is free and unconditional when first aid and medical emergency treatment is required; especially in health threatening and "immediately necessary" situations. Moreover, access is also provided for "routine" (non-emergency) treatment, mainly at primary care level, including basic medical testing and basic short-term treatment and medication. In the latter cases though, there might be some extra requirements for being entitled to free services (as in Ireland, Greece, Poland, Italy). The latter may include: documentation related to legal residence status (for example asylum or refugee identity card), or registration to the national health care (or insurance) system, or issuance of medical cards. In some specific cases, children's free access to health services may be restricted due to the type of their residence permit (as in Poland, for children under humanitarian status, to which they have been entitled after their return had been deemed non feasible).

The abovementioned requirements are also demanded for access to secondary care. It is underlined that, in most countries additional difficulties are likely to be met in cases where on-going care and long-term medical treatment and medication are needed. This also includes services for children suffering from serious illnesses and disabilities.

As shown by most responses, the conditions for the failed asylum seekers and the undocumented, including children, are even worse, not allowing for their access to national health system, with the exception of medical emergency cases.

Language and other practical barriers:

Proper and adequate access to health is often hindered due to language and information barriers. As pointed out by some respondents (Greece, Cyprus), there is a significant lack in Interpretation, translation and cultural mediation services within the national health systems, that would allow for effective interactions with healthcare staff. Moreover, there is a need for raising staff awareness and for special training throughout the health sector, mainly in areas of cultural, religious, and gender sensitivity. It is noteworthy that, in specific cases the limited staff awareness has led to total exclusion from health system upon arrival and at early reception stage (as in some cases that had been identified in Sweden in 2015).

Additionally, as reflected in most responses, children, who are located in places with poor or absent sanitary and hygiene standards, apart from being exposed to serious health risks, they have limited access to health services due to social isolation and to lack of proper information. In general, it is pointed out that geographical issues may negatively affect access to health; accommodation in remote, isolated areas or in areas with little experience of the special needs of migrant and refugee population worsens the problem and set additional barriers to healthcare.

Moreover, in many countries the limited capacity of the national health system further deteriorates the realization of children's right to health (as in Belgium, Greece, France).

Last, as appears from many responses (Norway, Greece, France, Belgium, Catalonia, Serbia, Basque Country), unaccompanied minors are usually in need of additional and special psychological and/or mental health treatment; often suffering from psychosocial distress, drug addictions and other mental problems. In most cases, the lack in experienced, trained and adequate staff within the reception and shelters' facilities, along with the serious gaps in the national health system, prevent their effective counseling, treatment and support. Apart from that, there is additionally a serious gap in nursing and regular support for children who should be under ongoing care, especially when recovering from an illness.

Education

Restrictions to access:

As a general observation, access to education for all children is legally enshrined; including all levels of the public educational system, regardless the child's status (as in Greece, Cyprus, Basque Country, Poland). In some countries though, access to upper education level is restricted (as in Norway, Ireland).

On the other hand, however, there are some cases where, despite the legal safeguards for free and unconditional access to school, proper and timely enrollment may be hindered; mainly due to lack of documentation concerning the child's school history or to the questioned authenticity of the submitted documents (as in Greece). Furthermore, as noticed by some respondents, additional obstacles may occur due to objections of local municipalities (as in France, Greece).

Significant problems are identified regarding school access of older children who, by age criteria, are not included in the compulsory educational scheme (as in Greece, Scotland, Norway, Belgium). In these cases, additional challenges are likely to be met regarding their enrollment and their further inclusion in school. Often, these challenges, in practice, are related to the limited provisions for preparatory and reception classes (Greece). Apart from this, their access to vocational training and apprenticeships may be also hindered, mainly because of the extra enrolment requirements and the limited availability of these programmes.

It is of note that, access to school may be linked with the safeguarding of legal status in later stages of integration; i.e. in some cases, the grant of residence entitlement or permit may depend upon the duration of prior regular attendance of public school (as in Greece, France).

Practical difficulties and other barriers:

Most children have not attended school for a long period, while others have never been enrolled or attended school in the past. This fact, along with language barriers, is listed among the main obstacles that prevent children from regular attending school, and often leads in drop outs (as in Greece, Cyprus, Catalonia, Latvia). Moreover, geographical issues may set additional barriers; children may be accommodated in facilities where their daily transport to school is hindered. In addition to this, children and families may be subject to multiple movements within various shelters and accommodation facilities throughout the host country. These conditions discourage children from regular school attendance, and adversely affect their inclusion in education (as in Greece, The Netherlands).

Many respondents point out to the need for more reception and support classes at all levels of the public educational system. Yet, it appears that the education authorities are not always able to fully correspond to the increased demands, mainly due to the limited budgetary resources (as in Belgium, Greece).

As noted by some respondents, parents and care givers may often neglect or they may not have access to proper information concerning the safeguarding of their children's rights, and they are not fully aware of the procedural requirements for school enrollment (as in Greece, Sweden, Lithuania). Moreover, girls are likely to experience more difficulties concerning their access and inclusion in school, due to gender-based, cultural and social barriers (as reported about cases in Greece).

Legal aid

The existing legal aid services:

As reflected in most answers, children's access to free legal aid is legally enshrined and should be provided through the legal aid institutions. Yet, in practice legal assistance for children and families is mainly provided through programmes by civil society actors. Unfortunately, the latter programmes – regardless their successful implementation - are not institutionalized and their sustainability is not safeguarded (as in Greece, France).

Especially with regard to legal aid provisions for asylum seekers, it appears that, by law, in most countries they are mainly limited to the second instance of the asylum procedure, without including the first instance stages (as is in Greece, The Netherlands, Poland). It should be noted though that, there are some positive and promising practices, such as in Basque Country, where free legal aid is provided by a public service to all foreigners, children and families, including legal counseling and support both before court and before administrative authorities, in combination with social, education and health support services.

Gaps and deficiencies:

As noted by some respondents (Greece, Belgium), the main difficulties that affect access and the quality of the services provided within the legal aid institution, are related to:

- The fact that the potential beneficiaries are not adequately informed and properly guided so as to submit legal aid claims
- The fact that many children's cases may not fall within the specific categories of cases that are typically covered by the legal aid institution
- The limited or absent translation and interpretation services in the context of the legal aid system
- The complex and multidisciplinary nature of the cases concerning children on the move, which require for specific/additional expertise and regular training of the involved lawyers
- The limited state resources that do not allow for effectively addressing the increased demands for children's legal support (especially before court)

Additional problems are reported, mainly concerning the deficiencies in coordination among the various legal and social agencies that provide support services to children and families. It should be underlined though, that promising practices have been identified concerning the initiatives undertaken by some bar associations towards the legal support of refugees and migrants (as in Catalonia, Greece).

As a general observation, it is noted that, unaccompanied minors are entitled to additional safeguards concerning their legal information and support (as in Italy, Greece, Ireland). Furthermore, as noticed by some respondents (Serbia, Sweden, France, Greece), the awareness and expertise of unaccompanied minors' guardians, along with the smooth cooperation between the guardian and the pro bono lawyer, is of significant importance for ensuring children's effective legal support. It is of note that, in some cases, where guardianship and legal representation/legal support duties are under the same Service/agency, unaccompanied asylum seeking children are likely to be deprived of adequate legal aid. For example, in Cyprus the appointment of pro bono lawyers is not provided, since the competent social welfare Service is entrusted both with guardianship and legal representation/legal support duties; hence, there is an inherent conflict of interest between the two roles, and as a result unaccompanied children are deprived of adequate and qualified legal services in the context of asylum procedure.

Social services and social benefits

Almost all respondents mentioned that, children's right to social protection is legally enshrined. In practice though, the provision of social services is adversely determined by several factors. It occurs that these factors are mainly related to: the legal status of the potential beneficiaries, the function of the referral system through which they are linked to the available services, to long-term gaps of the national welfare systems. Moreover, most respondents mention that the competent social services within the reception scheme are limited and understaffed, and that the work overload deteriorates further the quality of the services. In addition to that, the gaps in the national welfare systems, concerning both the shortage of qualified and expert staff and the lack in adequate resources, are reflected on the low responsiveness to the special needs of children on the move; consequently, there is a serious lack in specialized services for disabled children, addicts, children victims of violence, abuse and exploitation (as in Greece, Cyprus, Catalonia, Serbia).

In some countries, (as in Norway, Catalonia, Basque Country, Cyprus), children have broad access to social services, while in others (as in France, Belgium) access may be temporarily suspended during the processing of the asylum claims. It should be also noted that, those with "uncertain" status, including the failed asylum seekers and the undocumented, are not entitled to access to social services of the national welfare system, with limited exceptions concerning emergency cases (as in Belgium, Greece). Especially with regard to unaccompanied children, it is of note that in some cases (France) they are likely to be denied access to social protection on unlawful and unjustified grounds.

In other cases (as in Greece), those granted with international protection status are entitled to the same rights as any other local citizen, and they shall be referred to the social services of the national welfare system. Subsequently, they are no longer recognized as having the right of access to the services and benefits provided for asylum seekers, and they are typically excluded. Considering the deficiencies of the national system, it appears that their situation may be worsened after their recognition.

Especially with regard to social benefits:

Access to social benefits for asylum seekers and for those placed in reception facilities is limited; indicatively, in Norway they receive benefits 50% less than those provided for all citizens, in France and Poland they are entitled to a low rate benefit/"allowance", in Cyprus they are only entitled to material support. Furthermore, children's access to benefits may be restricted in case of irregularity

of their parents' status (as in the Netherlands); while, unaccompanied minors' access often depends upon the prior appointment of a guardian or other professional responsible for the child (as is in BiH, where the prior appointment of a social welfare officer is required).

In general, access to minimum income scheme and to supplementary housing benefits, is granted to those with a valid residence permit, including the beneficiaries of international protection; provided that they fulfill additional criteria set by the respective laws. The latter criteria are mainly related to the social and financial status (as in Greece) or in other cases (as is in Basque Country), access depends mainly on the duration of the prior stay in the country and the effective residence.

Services and support in transition to adulthood

Children are likely to experience increasing challenges in the transition to adulthood that are mainly related to the sustainability of their residence status. As already mentioned in above chapters, malfunctions in the processing of asylum applications or deficiencies in the renewal of the residence (humanitarian) permits may lead in deprivation of their legal status. As a result, they may become undocumented when they reach the age of majority, and they are likely to be subject to arrest and return procedures (as in Catalonia, Greece). Alongside, they are suddenly deprived of social protection and support, even if they have stayed for a considerable period in the reception country and they have been engaged in an integration process. Yet, in some cases (as in Norway), even if they do not hold a residence permit, they are still offered education and access to basic welfare services and health care.

As noticed by some respondents (concerning the situation in Norway, Greece), those granted with sustainable residence permits have better prospects for social integration in transition to adulthood. In addition to this, regular access to school, and the participation in integration programmes, mainly supported by municipal authorities (as in Norway, Scotland), are listed among the positive factors enabling the smooth transition. Despite that, many respondents (Greece, Catalonia, Basque Country, BiH) underline that, main barriers, related with access to housing and labour market, still remain. In addition to this, youth unemployment, in combination with the limited state resources for the development of targeted programmes, is pointed out as a major obstacle.

Especially with regard to unaccompanied minors:

A gap is identified concerning the follow-up support of young adults who have been under guardianship scheme and/or under shelter facilities. Despite the fact that, in some cases, special protection may be extended after reaching the age of majority, up to the age of 21 (as in France, Scotland), the selection criteria for participation in such protection programmes are not clear and are seriously questioned. In general, as noticed by respondents (Belgium, France, Cyprus), unaccompanied minors are not adequately supported and prepared to meet the challenges in transition to adulthood. The situation is worse for those who are in need of special psychological and/or mental health treatment, due to lack of specialized services (as in Catalonia, Greece).

As reflected in most responses, the programmes that have been developed to enable independent living mainly include:

- special small scale facilities (in shelters, apartments or hotels)
- the planning of life projects or work plans
- semi-autonomous mechanisms

Often however, the above programmes are of limited capacity, mainly due to lack of adequate, sustainable funding and concrete planning (as in Greece, Belgium, Basque Country); therefore, in practice, their responsiveness is quite limited in comparison to the current increased needs. As a result, additional criteria are likely to be set in order to gain access to the facilities of the respective programmes (for example, in Basque Country, due to lack of adequate resources, the relevant support services are offered mainly to those who have been previously accommodated, for a certain period, under the children and teenager protection system). In other cases, the offered services may considerably vary from municipality to municipality (as in The Netherlands). In any event, as noticed by many respondents, the selection criteria for inclusion in these programmes and services should be individualized and based on a best interests' assessment.

3. MECHANISMS FOR THE SAFEGUARDING OF CHILDREN'S RIGHTS AND THE PROMOTION OF THEIR INCLUSION

3.1. Complaint mechanisms

The official institutions:

As noted by respondents, official complaint mechanisms are available in all countries; however, they are not merely targeted on children on the move. The competent institutions mainly include prosecutors' (judicial) authorities, commissioners for human rights and independent children's rights institutions (Ombudspersons) as well. It should be noted that, in some countries the Ombudspersons' mandate is focused on advocacy actions, without including the investigation of individual complaints (as in Cyprus, Sweden); despite that, advocacy on crucial issues and the referrals to other complaint mechanisms by the Ombudspersons are of major importance for the protection of children's rights against violations.

Trends of the complaints - most commonly reported issues and cases:

As a general observation, the most commonly reported issues refer to unaccompanied children's cases, i.e. to age assessment procedure, access to education, guardianship and access to asylum. Cases of accompanied children mainly include issues related to living conditions and material deprivation in the reception scheme, access to asylum, and decisions on residence or naturalization applications.

Limited accessibility by children:

A common finding among all the respondents is that, in most cases, the complaint mechanisms are not directly accessible by children and their families. This is mainly due to the lack of sufficient information on their right to file a complaint and on the procedural requirements as well. Often language barriers may also hinder the access to adequate and appropriate information (as in Norway, Scotland, Greece). As pointed out by most respondents, usually civil society actors and associations act on behalf of the minors. Some respondents (The Netherlands, Greece) note that, children or families may fear that their complaint will impact negatively on a pending asylum decision and/or on their residence permit status, and therefore they refrain from complaining. Most Ombudspersons' institutions are aware of the accessibility constraints; therefore they take up initiatives to identify children's rights violations by conducting, ex officio, investigations on individual or collective cases, and targeted inspection visits in places where children on the move are located

(Cyprus, Greece, BiH, Serbia, Basque Country). In this respect, as observed by most respondents, the cooperation with civil society organizations is an important tool. In addition to the above initiatives, they may also organize advocacy actions so as to raise awareness in crucial issues and to promote proposals for measures to the competent state authorities (Greece).

Responsiveness and effectiveness:

Some respondents point out that the safeguarding of the independence of the Ombudspersons for Children is a major factor that determines their effectiveness. Moreover, the level of the responsiveness may be affected by the level of staffing; some institutions are not adequately staffed so as to fully respond to the current increased demands (Cyprus, Greece, Italy). In addition to all the above, the (non-) binding nature of their suggestions and proposals remains a challenging issue (as pointed out in the case of Belgium, Cyprus, Greece).

As noted (France, Greece), in many cases the intervention of ombudspersons upon received individual complaints were crucial for highlighting the violations of children's rights and enabled their advocacy role towards the adoption of policy measures and legislative changes as well.

3.2. Monitoring mechanisms

The existing official state monitoring mechanisms and available data:

As pointed out in all the responses, there are no state (institutionalized) targeted mechanisms for the monitoring of the situation of children on the move that would ensure nationwide coverage. Primarily, the implementation of children on the move rights is monitored in the context of the reporting process of human rights conventions (mainly of the Convention on the Rights of the Child, and others, such as OPTCAT).

Moreover, in some countries data on children on the move are collected by state agencies, in line with their mandate, and cover only specific fields or certain aspects of children's situation, such as: access to education and access to social services (Belgium, Lithuania), or guardianship (as in Italy, where monitoring activities are carried out at local level with different approaches), or accommodation for unaccompanied minors (as in Greece, where data are collected through the established referral system concerning the accommodation claims of asylum seekers).

Regarding data availability to Ombudspersons:

As noted by respondents, often, data on specific issues, even if it is not published (or regularly collected) by the competent state authority/ies, may become available to Ombudspersons upon specific request to the concerned authority (as in France, Greece, The Netherlands, Basque Country, Italy). It is also pointed out that the cooperation between Ombudspersons and civil society organizations has contributed to the improvement of monitoring, and to collect data that they have used for evidence - based advocacy on crucial issues concerning the protection of children on the move (as in Greece, BiH). Furthermore, as mentioned by respondents, in some cases they may use data available on Eurostat (The Netherlands, Greece). According to few responses, Ombudspersons, in line with their mandate, have developed specific actions, that, inter alia, strengthened the availability and accessibility to data; these actions include:

- the development of monitoring mechanism, specifically focused on children on the move (Greece)
- targeted interventions for reviewing the implementation of the protection framework for the unaccompanied children (Italy).

Issues of concern:

It is a common finding that data on children on the move in a specific country or region remains fragmented and limited. There is a lack of official, detailed and coherent reports focusing on their situation. As pointed out by some respondents, the lack of such reports remains a key issue, as even in regular reports that are made available, data regarding the situation on children on the move is limited or sometimes even absent (as in Greece, Belgium, Basque Country).

As already mentioned above, in many countries different agencies, on the basis of their mandate, may collect data and monitor certain fields and aspects of children's protection. The lack of effective cooperation and coordination among these agencies hinders the coherent and proper evaluation of the collected data and the holistic assessment of children's situation (as in Belgium, Greece). As noted by respondents, in some cases data and estimations by various agencies may differ, or even be contradictory, while disaggregated information is inconsistently provided. In other cases the accuracy and validity of data is questioned (as is the case, for example, Greece, Scotland, Catalonia, France).

Especially with regard to the findings concerning the data availability:

When asked on data availability to their institution and disaggregation of this data, findings from 17 ENOC members in 15 countries show that, regarding:

- Total population number of children on the move: 53% of the responding institutions have data on the number of children on the move in their country or region. Out of these, only 47% responded that they receive them also disaggregated by age and gender.
- Number of asylum seeking children and children granted international protection: Data on children on the move is mainly available with regards to asylum and the legal status of children upon they have applied for international protection, although not always with the necessary disaggregation. More specifically:
 - 88% of the respondents said that data on children applying for asylum are available to their institutions- while 63% replied that this information is disaggregated by age and gender.
 - 80% of the respondents said that data on children granted refugee and humanitarian status is available, but not all respondents had these data disaggregated by age and gender.
 - 80% of the responding institutions indicated that data on children under family reunification procedures are available to them, while only 50% replied that data on children under relocation procedures is available.
- Number of undocumented and children: Most institutions lack information on estimated number of undocumented children or stateless children. As a result, the situation of these children cannot be properly assessed and appropriate interventions for their protection are not effective. Specifically, 82% indicated that available data on undocumented children on the move in their territory are not available at all to their institution.
- Number of stateless children: 44% of the respondents seem to have available data on stateless children in their region or country (note that within this category children with unknown nationality maybe included).
- Number of children in detention/deprivation of liberty: 76% of the respondents said that they have information available on children in detention/deprivation of liberty, with 57%

of them having available data on children in detention/deprivation of liberty disaggregated by age and gender.

- Number of children per type of reception arrangements:
 - More than 69% of the respondents said that information on children in first line reception is available to them, but this data was available and disaggregated only for 53% of the responding institutions.
 - More than 70% of the respondents indicated that there is available data on children in second line reception as well as foster care but this data is not always available in disaggregation by age and gender.
- Number of children in public education: 81% of the responding institutions have data available on children on the move enrolled in formal education in the country or region.

Table 1. Availability of data to ENOC institutions on children on the move per country or region (Greece, Norway, Hungary, Serbia, UK/Scotland, Ireland, Cyprus, the Netherlands, Sweden).

Country or Region		GREECE		NORWAY		HUNGARY		SERBIA		UK/SCOTLAND		IRELAND		CYPRUS		NETHERLANDS		SWEDEN	
Indicators		Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?
B.S.a.	# of children on the move in the country	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.b.	# of children applying for asylum as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.c.	# of children granted refugee status as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.d.	# of children granted humanitarian status	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.e.	# of children under family reunification procedures as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.f.	# of children under relocation procedures as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.g.	# of stateless children in the country/region as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.h.	Estimated # of undocumented children	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.i.	# of children in detention/deprivation of liberty as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.j.	# of children in first reception arrangements as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.k.	# of children in second line reception arrangements (such as foster care)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.l.	# of unaccompanied children in shelters or other accommodation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.m.	# of children in foster care as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.n.	# of children enrolled in formal education/schools as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

Table b. Availability of data to ENOC institutions on children on the move per country or region (Latvia, Lithuania, Spain/Catalonia, France, Belgium/Flemish, Belgium/French speaking community and Poland).

Country or Region		LATVIA		LITHUANIA		SPAIN/CATALONIA		SPAIN/BASQUE		FRANCE		BELGIUM/FLEMISH		BELGIUM/FRENCH		POLAND	
Indicators		Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?	Available?	Disaggregated?
B.S.a.	# of children on the move in the country	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.b.	# of children applying for asylum as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.c.	# of children granted refugee status as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.d.	# of children granted humanitarian status	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.e.	# of children under family reunification procedures as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.f.	# of children under relocation procedures as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.g.	# of stateless children in the country/region as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.h.	Estimated # of undocumented children	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.i.	# of children in detention/deprivation of liberty as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.j.	# of children in first reception arrangements as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.k.	# of children in second line reception arrangements (such as foster care)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.l.	# of unaccompanied children in shelters or other accommodation	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.m.	# of children in foster care as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
B.S.n.	# of children enrolled in formal education/schools as of the end of the reporting period	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

Availability of data

● Yes

● No

3.3. Coordination and cooperation mechanisms

As reflected in most responses, it is commonly recognized that the cooperation and coordination among the competent agencies for children's protection, including civil society actors as well, is of crucial importance for the safeguarding and implementation of children's rights. It should be noted, that the smooth cooperation of public and civil society agencies, under the coordination of the competent authorities, has contributed to the effective promotion of advocacy actions, and the improvement of services' delivery (as in BiH, Scotland, Greece, Ireland).

As a general observation though, it occurs that there is a lack of coordination and cooperation among the involved authorities, both at national and transnational level (as in Scotland, Greece, Belgium, Sweden, Latvia). Despite the fact that in some countries several collaboration protocols and platforms have been developed, still coordination efforts need to be strengthened and institutionalized (Belgium, Greece). In some cases, Ombudspersons have further developed their protection mechanisms for children on the move through the establishment of targeted cooperation agreements with UN agencies, including the cooperation with civil society actors too (Greece, Italy).

As noted by some respondents, additional obstacles are met with regard to the cooperation among the different levels of authority within the same country (including local/municipal, peripheral and central level). Usually, the latter fact reflects structural and organizational deficiencies in the national child protection and welfare system. Moreover, the understaffing and the workload of the competent institutions, along with the limited state resources (as in Cyprus, Greece), have a negative impact on the establishment and operation of official coordination and cooperation mechanisms.

As pointed out with regard to transnational cooperation (Belgium, Greece, Italy), the safeguarding of family reunification procedures, the protection of trafficking victims and the family tracing gain particular importance, given the current developments at EU level. In this respect, many respondents stress on the need to strengthen inter-country cooperation, either through dedicated central authorities appointed in each country, or in the form of direct communications between the concerned authorities.

4. CONCLUSIONS

The core issues concerning the protection of children upon arrival and in early reception stage could be summarized under **two main challenges**, which are related to, a) proper and timely **identification** of children b) ensuring decent **living standards** in the context of the existing reception schemes.

In all countries, and especially in those where the highest numbers of children on the move are identified, policy initiatives and measures have been enacted towards their protection, mainly at the reception stage. **Policy awareness and several efforts**, including both public agencies and the strong mobilization of the civil society actors, should be underlined. However, the effectiveness of the respective measures and programmes, up to a large extent, has been undermined in practice mainly, inter alia, due to challenges in coordination among the involved stakeholders and weaknesses in strategic planning at national level.

As a result, several **gaps still remain** in order to effectively address the needs of the children and families, especially those belonging in most vulnerable groups. These gaps are mostly related to: the absence of coherent standardized procedural protocols in identification, the deficiencies in the staffing of the first reception services, the inappropriateness and inadequacy of the available infrastructures and support services within the first and second line reception arrangements, the limited capacity, and the subsequent saturation, of the asylum system in most countries. Consequently, it is often observed that children's proper access to international protection is not adequately safeguarded in practice, and, in many cases, the living conditions fall below decent living standards, exposing children, especially the unaccompanied, to life and safety risks.

The impact of the abovementioned gaps in the arrival and first reception stage, is also reflected on later reception and on integration stage, and it adversely affects the well-being of children, accompanied and unaccompanied. This in turn affects further their ability to exercise their rights and determines to a large extent the **social inclusion** and integration prospects in host countries.

It is noted that the **safeguarding of regular legal status** is a prerequisite towards social inclusion. Many children however, especially upon transition to adulthood, have limited options for entitlement to sustainable long term residence status; even if they have spent a considerable part of their childhood in the reception or host country and they have been engaged in a social integration process. Additionally, the impact of child's status on their access to rights and services should be also underlined.

Full and effective access to rights is included among the requirements for children's social inclusion. In this regard, children successful integration needs to be reflected in **a range of policies** that include access to housing, education and training, social protection and healthcare, including mental health support as well. It is emphasized that all measures should be combined with initiatives promoting the **participation of children and families in social and cultural life**. Alongside, special provisions are required for ensuring the fulfillment of unaccompanied and separated children's rights, and other children belonging in the most vulnerable groups. However, even where **social protection systems** are in place, usually they are not adequately equipped to respond to the current needs. The increased arrivals and the subsequent demands for protection and support of children on the move have in many cases exacerbated pre-existing inequities and disparities in the broader national child protection and welfare systems.

It is encouraging that several public and private actors, at national and local level, are working to provide protection, support and assistance to children on the move, the services and activities of which are complementary and interdependent. In order to maximize their effectiveness, it is important to overcome **coordination and cooperation** gaps and duplications among the involved stakeholders, which often undermine in practice both the quality and the competency of the available services. Furthermore, considering the need for improvement of the child protection systems and for the smooth social inclusion of children, it is required to better assess their situation and to properly map their needs. As such, child rights **monitoring and complaint mechanisms** are of vital importance. Despite the fact that some data on children on the move are available under competent authorities or government bodies, they are often fragmented in nature and not systematically shared and/or easily accessible, which in turn, may hinder, inter alia, the timely and proper identification of crucial issues and rights' violations.

In line with all the above, the **role of the Independent Institutions for Children's Rights** is critical, since, on the basis of their mandate, they can advocate for and contribute to the promotion and strengthening of monitoring and coordination mechanisms at national and transnational level towards the strategic planning for the protection of children on the move.

5 . R E C O M M E N D A T I O N S ¹⁴

Children on the move are children first and should be considered as such. As rights holders, they should benefit from comprehensive efforts to ensure the protection and enjoyment of their rights and their social inclusion, across Europe.

All actions concerning children on the move should be informed by children's rights and fundamental human rights principles including:

- The right to non-discrimination;
- The right to have their best interests treated as a primary consideration in all actions and decisions affecting them;
- Their right to express their views freely in all matters affecting them and to have their views taken into account, in accordance with their age and maturity;
- Their right to survival and development;
- The right to protection from all forms of violence

These are the recommendations of 23 Independent Children's Rights Institutions from Council of Europe Member States, who participated in a working group of the European Network of Ombudspersons for Children (ENOC) to monitor the fulfilment of the rights of children on the move. The recommendations are grounded in the UN Convention on the Rights of the Child (UNCRC) and other relevant international legal instruments. They build on the call by ENOC members to implement a child rights perspective in the reception of migrating children (January 2016) as well as on the direct experience of child rights ombudspersons in meeting with children on the move, listening to them, dealing with specific cases, promoting their rights and monitoring their situation.

¹⁴ The drafting process included the contribution of ENOC members that had answered the respective questionnaire as well as the contribution of those who participated in the closed meeting in 13 November 2017. Specifically: ENOC members from Albania, Belgium/Flanders, Belgium/French speaking community, Bosnia and Herzegovina, Cyprus, France, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Moldova, The Netherlands, Norway, Poland, UK/Scotland, Serbia, Spain/Catalonia, Spain/ the Basque country, Sweden, as well as representatives from independent authorities for children rights from Germany and Austria, and the advice by Marta Santos Pais, Special Representative of the UN Secretary General on Violence against Children and Gehad Madi, member of the UN Committee on the Rights of the Child.

European States have a key duty to ensure and protect the rights of all children on their respective jurisdiction, regardless of their legal status. While some progress has been made in this area, violations of the rights of children on the move continue. Governments must take more concrete steps to meet their obligations. This includes protecting children's rights and enabling their social inclusion and full participation. As Independent Child Rights Institutions, we commit ourselves to advocate and to monitor the implementation of these recommendations.

1. PROTECTION OF CHILDREN UPON ARRIVAL AND EARLY RECEPTION STAGE

- a. **Procedural safeguards and standardized protocols** integrating child specific and age- and gender-sensitive considerations should be established and implemented throughout reception procedures.
- b. **Detention** of children accompanied or unaccompanied should not be permitted solely on the basis of their migration status. Immigration detention is a child rights violation and always contravenes the principle of the best interests of the child. Children must be protected, including through non-custodial solutions established by law, safeguarding their right to liberty at all times.
- c. The **length of stay** of children, including unaccompanied children, in reception and identification centres should be limited to the time that is necessary for initial registration and evaluation of their cases and no more than the maximum duration foreseeing by the law.
- d. Children's **access to asylum** applications cannot be prohibited.
- e. All **staff** of first arrival and first reception should be appropriately **trained** to respect the rights and basic needs of children. Training should sensitise professionals and officials of the risks and incidents of violence, such as exploitation and trafficking, and how to interview and communicate with possible victims and support them.
- f. Child protection staff should be present at border controls, with the power to make **referrals** to specialised staff for further assessment.
- g. At first arrival (ports, airports, borders) and identification points, all newly arrived children (accompanied or unaccompanied) should be **informed** about their rights in the country of reception in a language that they can understand and in an age appropriate way. This should include information about legal proceedings and safeguards, and about asylum, family reunification and other forms of international protection.
- h. Children should be free to **express their views**, and be able to address a **complaint** to a competent authority, if their rights are violated.
- i. At first reception centres, all children should be **assessed**, through interviews with trained multi-disciplinary teams of professionals, with the assistance of interpreters, regarding their needs in terms of reception/ accommodation/ placement. There should be particular examination of their possible **victimization** (violence, abuse, neglect, exploitation, child/underage/forced marriage), of the needs of disabled children and specific needs or other issues which may increase a child's vulnerability. Children should be given the opportunity - if it is in their best interest - to talk privately without the presence of parents/caregivers/adults.
- j. Reception and asylum authorities should carefully consider any **documentation** submitted by families or unaccompanied children. In case documentation is deemed invalid the decision must be justified and grounded.
- k. Standard Operating Procedures should be developed for the identification, referral and assistance of children who are **victims or at risk** of violence, including exploitation and trafficking, as well as for children who are missing from care and reception centres. Standard operating procedures should also be developed to ensure individual best interests' determination, inclusive of the child's right to be heard.
- l. Mechanisms and guidelines for determining the child's **relation and bonds** with accompanying adults should be developed, and for frequent checks of children well-being and protection needs. Special attention should be given to mechanisms and guidelines for identifying and dealing with underage and/or forced marriages.
- m. When children are identified as possible **victims of violence, abuse, neglect, exploitation and trafficking**, they should receive specialized care and should not be removed from the protective framework of child welfare, even in the case they have committed offences connected to their exploitation.

- n. Child-appropriate **asylum procedures** should be established and asylum cases involving children (including accompanied and unaccompanied children) should be prioritised. A deadline should be established by which the asylum procedures begin, especially in cases involving children.
- o. Conditions in first reception facilities should be child friendly and should guarantee **free access to services**, including age- and gender-appropriate health care, protection, legal aid, education and recreation activities (*as described in detail in Section 2*).
- p. Child- and gender-friendly **safe spaces** should be made available in reception centres and camps while ensuring prompt referral and families to specialise child-friendly accommodation.
 - **Age assessment** should be implemented only when there is a considerable doubt about the age of a child, in due time and with the support of a legal representative or guardian. Age assessment procedures should be age-, gender- and culturally sensitive, dignified, safe and reliable and should be carried out by a multi-disciplinary team using the least invasive approaches. Medical exams should be used as a last resort. The benefit of the doubt should be always given in favour of the child and a right to appeal should be guaranteed.
 - Appropriately trained **guardians** should be promptly appointed for unaccompanied and separated children, who should be placed in a proper, safe and caring environment, preferably in foster families, when this is applicable, or other appropriate non-custodial community-based care. **Adequate resources** should be allocated to ensure effective guardianship, including ensuring that recruited guardians are **qualified, trained and supported** to safeguard children's best interests at all times.
- q. Personal information **files** should be transferred along with a child, and be made available to social services providing care for the child in the new location, in line with appropriate data protection and confidentiality considerations.
- r. First reception responsible bodies and/or child protection authorities, should be **accountable and supervised** for ensuring that reception guidelines are applied consistently, timely and with legal certainty.

2. RECEPTION IN LATER STAGES, ACCESS TO RIGHTS TOWARDS SOCIAL INCLUSION

2.1 Cross cutting issues

- a. Socio-educational **assessment and care** must be **individualized** for all children, including an assessment of their needs and best interests taking into account the child's right to be heard in the choice and care of living arrangements.
- b. All children on the move should enjoy **access to quality services** available within the national system for their effective protection.
- c. Children on the move should participate in **violence prevention** and response and in **social inclusion** programmes.
- d. **Social support networks** should be set up to help children feel safe, gain confidence and build resilience and to promote children's participation in play, social and cultural activities and sports.
- e. **Staff** of all involved agencies should be specially qualified and trained to deal with the issues concerning children on the move.

2.2 International protection - Legal status

- a. Proper processing of the **asylum requests** along with the provision of other legal options for access to **humanitarian status** should be safeguarded for all children and their families. To determine whether a child qualifies for a permit a best interest assessment should be carried out.
- b. **Family reunification** should be guaranteed by law. It should be considered in a positive humane and expeditious manner, linked to child's best interest and its right to grow up in a family. It should be proceeded in due time, in order to avoid uncertainty and stress, followed by support to the family and the child, including provision of clear and timely information about its process.
- c. Special provisions should be enacted for the renewal of **legal status documents of children**, who have been already involved in an integration process for a considerable time in the host country.
- d. Children should be eligible to qualify for **regularisation of their stay**, if they live for an **extended period** in the host country, considering the bonds they have developed and their best interests.
- e. **Birth registration** should be ensured for all children born in the jurisdiction of European States, regardless of the child's or the parents' legal status.

2.3 Accommodation facilities and housing

- a. The size of **residential** facilities for children should be restricted to small family-like arrangements or group homes, so that it can allow communication and collaboration among residents, while ensuring children's safety and well-being.
- b. The consideration of the **child's needs, best interests, and its right to be heard** is crucial for a long term and safe placement. Policies and procedures for child safeguarding should be in place in all residential facilities.
- c. The placement of children in accommodation with **relatives**, should be assessed in due time. Both the child and the family must be regularly supported.
- d. In the event of a **change of placement**, the best interests of the child must be taken into particular consideration, including ensuring time for support and adjustment. The child must participate in all decisions taken, in line of its developmental capacities.
- e. Accommodation **facilities for families** with children must be appropriate to children and be intended exclusively for families.
- f. **Unaccompanied** children should be housed separately from adults to ensure their safety and should be provided with appropriate care.

2.4 Health

- a. All children shall be given timely access to available **physical and mental health public services** in line with their needs, including care and treatment for chronic diseases and disabilities, sexual and reproductive health, psychological counselling and treatment and prevention of self-harm and suicide.
- b. **Interpreters and cultural mediators** should be employed to assist children's access to health services.
- c. **Vaccination** of all children should be organised according to national programmes and standards.
- d. **Periodic doctor visits** should be organised to camps, residential centres and shelters where children on the move live with their families or unaccompanied, assess their physical and mental health and provide checks for early detection of disabilities, diseases and incidents of violence and advice for proper prevention and response. Peri-natal care should also be provided as part of a preventive health strategy.
- e. Children and their families need clear information and mental health support to cope with the effects of **trauma and stress** they may have experienced. Therapeutic and supportive services should become available to them with the assistance of interpreters.
- f. **Therapeutic** facilities for children with substance abuse addictions should become available. Intensive residential centres, therapeutic centres and assisted nursing homes should become available for children with similar needs, making it possible to apply the most appropriate protective measures for them.
- g. **Staff** of centres and shelters for all children should be specially trained and supervised to cope with mental health needs, in collaboration with public mental health services, in compliance with personal data protection.

2.5 Education

- a. All children, whether in transit or destination shall have access to **formal and informal education** (nurseries, pre-school, primary, secondary and third level education, and vocational training), regardless of their legal status and without any discrimination and/or segregation. **Within one month** from the time of arrival, children should be given the opportunity to attend language classes and enrol in **formal education**.
- b. Children who have no knowledge of the language of the host community, should be given the opportunity to attend **preparatory language courses**, while they should also be able to regularly **mix and associate** with local children at school.
- c. Tailor made well-structured **activities** should be provided continuously to children as an additional educational support and means of social integration.
- d. Children should be assisted to maintain their cultural values and to develop their **native language**.

- e. Authorities should take specific measures to **prevent absenteeism, dropping out** and exclusion from school of refugee and migrant children, regardless of their legal status.
- f. **Teachers** should be trained and supported on how better to respond to the learning needs of the children on the move.
- g. **Parents** of migrant and refugee children should be informed and become aware of the local educational system as well as of the existing laws on parental responsibilities.
- h. School curriculum should include **human rights education**, promoting values such as peace, tolerance, equality and friendship among all ethnic, national and religious groups. Specific measures should be taken to combat and prevent xenophobia, bullying and other forms of violence against children.

2.6. Social services

- a. Appropriate social services and assistance should be made available for children and their families, taking account their **vulnerability and needs**.
- b. It is necessary to develop more tailor-made social services for children on the move, including children **victims** of abuse, neglect, violence and exploitation, as well as for children with **disabilities**.
- c. Municipal authorities should facilitate access of children and their families to **local services**.
- d. Comprehensive **multi-disciplinary and interagency services** under one roof should ensure the safety and well-being of children on the move, and enable access to justice, including for child victims of violence. All processes should be documented to secure evidence that informs the asylum procedure or other relevant proceedings.

2.7 Legal aid

- a. Free legal aid and representation shall be provided to children on the move in all proceedings affecting their lives.
- b. Free interpretation should be available in all legal aid services and administrative and court procedures.

2.8 Transition to adulthood

- a. When children reach adulthood, sustainable options should be available for the issuance and renewal of their **legal status documents**, especially for those who have been already engaged in an integration process.
- b. Sustainable **programmes** should be established for the monitoring and support of adolescents who reach adulthood, specifically focusing on:
 - post-18 education
 - community based inclusion programs
 - access to the labour market
 - specialized interventions for addressing the needs of those belonging in extremely vulnerable groups, such as youth with disabilities and those suffering from traumatic experiences and mental health problems
- c. The continuum of care for **unaccompanied** and separated **children** should be ensured through their engagement in projects for their gradual and smooth transition to autonomous and independent living, and transition to adulthood should be a part of the life project of the child that should be prepared in advance and it would allow for the implementation of individualised plans on the basis of their specific needs and best interests.
- d. All the competent agencies that are involved in the support of children, accompanied and unaccompanied, should develop a **stable referral and cooperation system** so as to cover more effectively the multi-faceted needs of children upon the transition to adulthood.

3. MECHANISMS FOR THE SAFEGUARDING OF CHILDREN'S RIGHTS AND THE PROMOTION OF THEIR INCLUSION

3.1 Monitoring mechanisms

- a. The competent observatories and monitoring mechanisms should include **specific aspects and indicators** that would allow for the collection of **concrete and disaggregated data** for the situation of children towards the planning of coherent and durable policy measures for children's protection and inclusion.
- b. Considering the additional needs of **unaccompanied and separated children**, it is important to establish data protected national **records**, that would allow for their prompt identification and the effective follow up and support of their cases, with due respect of sensitive data.
- c. The child protection authorities should be in constant **communication and cooperation** with the agencies that are involved in data collection and monitoring of the situation of children on the move.
- d. Data collected should be unhinderedly and regularly available to **Independent Children's Rights Institutions** towards the most effective implementation of their mandate. Alongside, the Institutions should be consulted on the indicators that are applied for the monitoring of children's situation.

3.2 Complaint mechanisms

- a. Complaint mechanisms should be independent and legally enshrined, while their decisions and recommendations should be respected by public authorities.
- b. **Children's accessibility** to complaint mechanisms should be strengthened by:
 - safeguarding access regardless of the children's status, through a simple and child friendly process without complex procedural requirements
 - addressing language barriers that prevent children's access (including child friendly info material in various languages, support by interpretation and cultural mediation services)
 - implementing actions for reaching out children in need of protection, such as targeted site visits and ex officio investigations
 - strengthening cooperation between competent authorities and field services' actors in order to get timely and reliable information about children's complaints.
- c. Independent children's rights institutions, in particular Ombudspersons for Children with their specialized expertise and devoted mandate to safeguard children's best interest at all times, should have the right to access receptions centres and institutions where children are placed, including through unannounced visits. They should:
 - access any needed information,
 - request reports before, during and after the inspection and receive a prompt response;
 - receive complaints directly from children
 - have the authority to make public the results of their inspections and recommendations
 - while preventing the public disclosure of information that may place a child at risk.
- d. Independent institutions for children's rights should be provided with sufficient resources to safeguard their independence and develop their functions with high-quality standards.

3.3 Coordination – cooperation mechanisms

- a. The establishment of coordination mechanisms targeted on children on the move should be promoted, with the **participation of all the involved public and civil society actors** at national level, including migrants' associations, to facilitate the social inclusion of children and families in the local society.
- b. The stable and smooth cooperation between the **guardians / legal representatives and the competent child protection authorities** is of major importance for the effective support of unaccompanied children.
- c. Competent public authorities should capitalize and develop the experience and achievements by several informal cooperation – coordination platforms towards the **establishment of central and coherent coordination mechanisms** that would include all the involved public and civil society stakeholders with a national geographical coverage

d. The coordination of transnational cooperation, especially in the context of family reunification and family tracing procedures, as well as the implementation of relocation programmes, needs to be better established and promoted, in order to:

- ensure a continuum of care and protection of the rights of children on the move
- harmonize and speed up procedures for family reunification.

e. **Cross-border cooperation** should be strengthened in preventing, investigating, prosecuting and punishing violence against children on the move, including trafficking for the purpose of sexual or economic exploitation, child- and forced marriage and other harmful practices, drug trafficking, extortion, abduction, torture and ill-treatment.